



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/029,638

12/19/2001

John Bankier

24657-6045

5044

33123

7590

03/21/2006

HELLER EHRMAN LLP  
4350 LA JOLLA VILLAGE DRIVE #700  
7TH FLOOR  
SAN DIEGO, CA 92122

EXAMINER

TRUONG, LAN DAI T

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,638

Applicant(s)

BANKIER ET AL.

Examiner

lan dai thi truong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/06/03</u>                                                              | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Claim rejections-35 U.S.C. 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 41 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter such “storing the transaction identifier comprises inserting information into the back end server database using an Internet cookie” which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

### **Claim rejections-35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an

international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**1) Claims 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (U.S. 2002/00733211), "Lin", herein after.**

**Regarding to claim 14:**

Lin discloses a method, which can be implemented in a computer hardware or software code for processing electronic transactions between a client and a server of a computer network, the method comprising:

establishing a communications connection between the network client and the network server at an electronic transaction assurance (eTA) system and initiating a series of processes at the eTA system, the processes including:

a transaction monitoring process wherein the eTA system monitors electronic messages that are exchanged between the client and the server in relation to a transaction: (Lin discloses "State server" which is equivalent to "the eTA system" monitors communication session for possible use in the recovery of a failed web server during a session between a user and an application server: [0035])

a state capture process wherein the eTA system captures and records information descriptive of one or more states of the transaction: (Lin discloses State server monitors communication session for possible use in the recovery of a failed web server during a session between a user and an application server: [0035])

a failure detection process wherein the eTA system determines that a failure has occurred with respect to the transaction: (Lin discloses method for detecting of lost connection between user and the application server caused by failure web server: [0035])

an outcome determination process wherein the eTA system determines the extent to which the server has processed the transaction: (Lin discloses “State server” which is shared functionality with “the eTA system” can determine whether the web server fails during a session between an application server and a browser. The State server has ability to reconnect to the same web server or rerouted to another web server to continue the session: [0048])

a failure masking process wherein the eTA system masks the occurrence of the failure from the client: (Lin discloses whether a failure connection between a user and an application is detected due to failure of Web server. The State server has ability to reroute to another Web server to continue the session: [0048])

a transaction recovery process wherein the eTA system recovers the transaction from the failure: (Lin discloses a system for facilitating secure communication between a web browser and an application server through intermediary server such as web server, wherein web server includes state system that is configured to monitor and record session information between the web browser and the application server for possible use in the recovery of failed web server, see Lin: [0035])

**Regarding to claim 15:**

Lin discloses a method as discuss in claim 14, which further includes, wherein the state capture process comprises capturing packets contained in electronic request messages from the client to the server and storing the packets with an identifier associated with a particular

Art Unit: 2143

transaction between the client and the server: ("Session ID" which is equivalent to "identifier associated with transaction between the client and the server": figure5, item 510)

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2) Claims 1-2, 4-5 and 8-10 are rejected under 35 U.S.C 103(a) as being unpatentable over Davies et al. (U.S. 6,108,701) in view of Arora (U.S 6,859,834) in view of Phaal (U.S. 6,138,159) and further in view of Lin et al. (U.S. 2002/0073211)**

#### **Regarding to claims 1-2, 4-5, 8-10:**

Davies discloses a method, which can be implemented in a computer hardware or software code for processing electronic transactions between a client and a server of a computer network, the method comprising:

establishing a communications connection between the network client and the network server at an electronic transaction assurance (eTA) system: (Davies discloses "router" which is equivalent to "the eTA system" as an intermediary agent. A message from a client is sent to an active server through router: column 5, lines 30-35)

receiving a request message from the client at the eTA system, the request message relating to an aspect of the electronic transaction: (Davies discloses the message from client is only sent to the active server by the router: column 5, lines 29-32)

However, Davies does not explicitly disclose method of extracting data from the message to record a state of the electronic transaction, see (Arora discloses “the request information” which is equivalent to “data from the message” is used to determine the status of request such as failure or success: column 5, lines 50-56; column 9, lines 15-35)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Arora’s ideas of determining the status of the request such as failure or success during communication session with Davies’s system in order to be able to discover the broken connection to provide connection failure recovery in order to provide a uninterrupted connection, see (Arora: column 5, lines 10-14)

However, Davies- Arora does not explicitly disclose detecting that a failure has occurred with respect to the transaction: see, (Phaal discloses method for detecting failure in network upon on failure to “respond within a predetermined period” which is equivalent to “respect to the transaction”: column 2, lines 61-67)

Also Davies- Arora does not explicitly disclose determining whether an outcome of the transaction in relation to the request message has succeeded or failed: see, (Phaal discloses method for detecting failure in network upon on failure to “respond within a predetermined period” which is equivalent to “respect to the transaction”: column 2, lines 61-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal’s ideas of determining whether the transaction in relation

Art Unit: 2143

to the request message has succeeded or failed with Davies- Arora's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host , see (Phaal: abstract, lines 1-10)

However Davies- Arora- Phaal does not explicitly discloses transmitting a response message to the client in accordance with the recovery action, wherein the response message masks the failure from the client, see (Lin discloses a system for facilitating secure communication between a web browser and an application server through intermediary server such as web server, the recovery of failed web server is provided if a failure web server is detected, see Lin: [0035])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lin's ideas of recovering the failure ongoing session between users and application servers with Davies- Arora- Phaal's system in order to provide to provide a uninterrupted connection, see (Lin: [0035])

**3) Claim 3 is rejected under 35 U.S.C 103(a) as being un-patentable over Davies- Arora-Phaal-Lin in view of Wallach et al. (U.S. 6,292,905)**

**Regarding to claim 3:**

Davies-Arora-Phaal-Lin discloses the invention substantially as disclosed in claim 1, but does not explicitly teach wherein each transaction type has an associated transaction model, and additionally comprising maintaining a data base of transaction models and identifying a transaction type by selecting from a transaction model in the database, see (Wallach discloses "the replicated data based" which is equivalent to "a database" used to reflect the recovery for



Art Unit: 2143

failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wallach's ideas of using the replicated database to provide failure connection recovery rules with Davies-Arora-Phaal-Lin's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**4) Claim 6-7, 12-13 are rejected under 35 U.S.C 103(a) as being un-patentable over Davies-Arora-Phaal-Lin in view of Phaal (U.S. 6,138,159)**

**Regarding to claims 6-7, and 12-13:**

Davies-Arora-Phaal-Lin discloses the invention substantially as disclosed in claim 1, but does not explicitly teach wherein it is deemed that a failure has occurred with respect to the transaction when a response message is not received from the server in response to the request message, see (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Davies-Arora-Phaal-Lin's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**5) Claim 11 is rejected under 35 U.S.C 103(a) as being un-patentable over Davies-Arora-Phaal-Lin in view of Tanner et al. (U.S. 2002/0070976) and further in view of Rollin et al. (U.S. 2002/0103712)**

**Regarding to claim 11:**

Davies-Arora-Phaal-Lin discloses the invention substantially as disclosed in claim 1, but does not explicitly teach wherein the electronic transaction relates to a commerce transaction comprised of adding an item to a shopping cart, see (**Tanner**: [0035], lines 18-24) and wherein extracting data from the message to record a state of the electronic transaction comprises recording the contents of the shopping cart using data contained in the request message, see (Rollins: [1065])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine **Tanner**'s ideas of adding items into shopping list and Rollins's idea of recovering failure transaction with Davies-Arora-Phaal-Lin's system in order to avoid discontinue transaction and provide convenience to user

**6) Claims 16-18 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin et al. (U.S. 2002/0073211) in view of Phaal (U.S. 6,138,159)**

**Regarding to claim 16:**

Lin discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure detection process comprises monitoring for a failure code that is embedded in a response message from the server, wherein the failure code indicates that a failure

Art Unit: 2143

has occurred, see (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**Regarding to claim 17:**

Lin discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure detection process comprises monitoring for a response message from the server and deeming that a failure has occurred if a response message is not received within a predetermined time span, see (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**Regarding to claim 18:**

Lin discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure masking process comprises sending a response message to the client from the eTA system in the event of a failure, wherein the response message is the same

Art Unit: 2143

response that the client would have received had the failure not occurred, see (abstract, lines 1-21)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**7) Claims 19 and 21-30 are rejected under 35 U.S.C 103(a) as being un-patentable over Davies et al. (U.S. 6,108,701) in view of Wallach et al. (U.S. 6,292,905) and further in view of Phaal (U.S. 6,138,159)**

**Regarding to claims 19, 21-23, 26-30:**

Davies discloses a method, which can be implemented in a computer hardware or software code for processing network messages between a network client and a network server, the method comprising:

establishing a communications connection between the network client and the network server at an electronic transaction assurance (eTA) system: (Davies discloses "router" which is equivalent to "the eTA system" as an intermediary agent. A message from a client is sent to an active server through router: column 5, lines 30-35)

Receiving a network message at the eTA system, which is responsible for the communications between the network client and the network server: (Davies discloses the message from client is only sent to the active server by the router: column 5, lines 29-32)

However, Davies does not explicitly disclose identifying a transaction type and message parameters included in the received network message, thereby defining an electronic transaction to which the message relates, see (Wallach discloses the replicated data based is used to reflect the recovery for failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Also Davies does not explicitly disclose preserving a state of the electronic transaction and updating the transaction type and message parameters in response to processing of the electronic transaction, see (Wallach discloses replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

More, Davies does not explicitly disclose logging and reporting relevant information about the state and the message parameters of the electronic transaction: (Wallach discloses the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wallach's ideas of using the replicated database to provide failure connection recovery rules with Davies system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

However, Davies-Wallach does not explicitly disclose indicating a detected failure in a network back-end system or the network communications connection in response to inspection of the content of a received response from back-end system servers or the lack of a received

Art Unit: 2143

response within a predetermined time period, see: (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

Also Davies-Wallach does not explicitly disclose determining the correct outcome of the electronic transaction as affected by the detected failure and selecting an appropriate action to recover from the detected failure, see (Phaal discloses normally client computer directs communication to the assigned server, but if a failure condition of assigned server is detected, a new server is assigned to service the client computer: abstract, lines 11-20; column 2, lines 61-67)

Moreover, Davies-Wallach does not explicitly disclose providing a response message to the network client with an appropriate message to mask the detected failure: (Phaal discloses normally client computer directs communication to the assigned server, but if a failure condition of assigned server is detected, a new server is assigned to service the client computer: abstract, lines 11-20)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Davies-Wallach's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**Regarding to claims 24 and 25:**

In addition to rejection in claim 19, Davies-Wallach-Phaal further discloses method of classify and identify transaction types using a supervised machine learning technique, thereby enabling

Art Unit: 2143

the system to be deployed in different e-business environments with different transaction models; wherein a transaction model is associated with a type of transaction such that the transaction model defines expected network activity with respect to the associated type of transaction: (Phaal discloses a hand-off server “selects” which is equivalent to “classify” a particular host computer for servicing the client: column 6, lines 30-50)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal’s ideas of determining whether the transaction in relation to the request message has succeeded or failed with Davies-Wallach’s system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**8) Claim 20 is rejected under 35 U.S.C 103(a) as being un-patentable over Davies-Wallach-Phaal in view of Tanner et al. (U.S. 2002/0070976)**

**Regarding to claim 20:**

Davies-Wallach-Phaal discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the communications connection is a secure connection, see (Tanner discloses “secure channel” which is equivalent to “secure connection” used for transaction between user account and vendor account: [0051])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine **Tanner**’s ideas of using secure channel for process transaction with Davies-Wallach-Phaal’s system in order to provide secure network

**9) Claim 36 is rejected under 35 U.S.C 103(a) as being un-patentable over Davies-Wallach-Phaal in view of Yanagidate et al. (U.S. 2002/0099632)**

**Regarding to claim 26:**

Davies-Wallach-Phaal discloses the invention substantially as disclosed in claim 25, but does not explicitly teach wherein a transaction model defines a billing charge for a type of transaction and additionally comprising tabulating billing charges based on the number of times that an actual transaction defined in a transaction model is encountered, see (Yanagidate: claim 6)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yanagidate's ideas of charging based on number of times connection with Davies-Wallach-Phaal's system in order to provide efficiency bill-charging system, see (Yanagidate: abstract, lines 1-20)

**10) Claim 32 is rejected under 35 U.S.C 103(a) as being un-patentable over Davies-Wallach-Phaal in view of Lin et al. (U.S. 2002/0073211)**

**Regarding to claim 32:**

Davies-Wallach-Phaal discloses the invention substantially as disclosed in claim 19, but does not explicitly teach wherein the system permits resumption of communication with wireless clients when the wireless clients reconnect to the system, without having to resubmit requests they made before disconnecting from the system due to losing wireless signal, see (Lin: [0071])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lin's ideas of recovering failure connection for wireless network



with Davies-Wallach-Phaal's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**11) Claim 33 is rejected under 35 U.S.C 103(a) as being un-patentable over Davies et al. (U.S. 6,108,701) in view of Kashyap (U.S. 2002/0087912)**

**Regarding to claim 33**

Davies discloses a method, which can be implemented in a computer hardware or software code for an electronic transaction assurance system that includes:

a communications processor that receives electronic transaction messages over a computer network between a customer at a client node and a server node: (Davies discloses a router as an intermediary agent for communication between client and server. A message from a client is sent to an active server through router: column 5, lines 30-35)

However, Davies does not explicitly discloses a policy-based policy manager engine that manages electronic transaction message processing and resulting customer experience by allowing users of the system to define message processing policies that specify conditions and actions to be taken when any of the specified policy conditions is true to provide transparent failover, see (Kashyap: discloses "fail-over policy" which is equivalent to "policy-based policy": [0026]) or (20040230660: [0025])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kashyap's ideas of using fail-over policy for recovery failure connection with Davies's system in order to provide network communication without lost connection, see (Kashyap, [0015])

**12) Claim 34 is rejected under 35 U.S.C 103(a) as being un-patentable over Davies-Kashyap in view of Phaal (U.S. 6,138,159)**

**Regarding to claim 34:**

Davies-Kashyap discloses the invention substantially as disclosed in claim 33, but does not explicitly teach an electronic transaction assurance system as defined in claim 33, wherein the policy manager engine masks computer network failures from the customer and generates message interaction with the customer if needed to keep the customer informed of any processing delays and keep the customer engaged in a message dialog to enhance the customer's interaction experience with an e-business Web site at the server node, (Phaal discloses normally client computer directs communication to the assigned server, but if a failure condition of assigned server is detected, a new server is assigned to service the client computer: abstract, lines 11-20)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Davies-Kashyap's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**13) Claims 35-36 are rejected under 35 U.S.C 103(a) as being un-patentable over Davies-Kashyap-Phaal in view of Wallach et al. (U.S. 6,292,905)**

**Regarding to claims 35-36:**

Art Unit: 2143

Davies-Kashyap-Phaal discloses the invention substantially as disclosed in claim 34, but does not explicitly teach wherein the eTA system includes multiple eTA nodes, each including a communications processor and a policy manager engine, see (Wallach: figure 1, items 88a-88c)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wallach's ideas of using the replicated database to provide failure connection recovery rules with Davies-Kashyap-Phaal's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**14) Claims 37-42, 48-49 and 53-54 are rejected under 35 U.S.C 103(a) as being unpatentable over Davies et al. (U.S. 6,108,701) in view of Wallach et al. (U.S. 6,292,905) and further in view of Lin et al. (U.S. 2002/0073211)**

**Regarding to claims 37, 38-42:**

Davies discloses a method, which can be implemented in a computer hardware or software code for determining the outcome of an electronic transaction initiated by a network message between a network client and a network server, the method comprising:

establishing a communications connection between the network client and the network server at an electronic transaction assurance (eTA) system: (Davies discloses "router" which is equivalent to "the eTA system" as an intermediary agent. A message from a client is sent to an active server through router: column 5, lines 30-35)

receiving a network message at the eTA system, which is responsible for the communications between the network client and the network server: (Davies discloses the message from client is only sent to the active server by the router: column 5, lines 29-32)

However, Davies does not explicitly disclose method of identifying a transaction type and message parameters included in the received network message, thereby defining an electronic transaction to which the message relates, see (Wallach discloses the replicated data based is used to reflect the recovery for failure of the primary server, and to change the network resource from its primary to its backup server. the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14; column 7, lines 1-49; figure 4)

Also Davies does not explicitly disclose generating a transaction identifier associated with each electronic transaction received from the client, see (Lin: "session ID" which is equivalent to "transaction identifier": figure 5, item 510) and storing the transaction identifier information with the transaction type and message parameters at a back end database, see (Wallach discloses "the replicated data based" which is equivalent to "backup server" used to reflect the recovery for failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

More, Davies does not explicitly disclose method of preserving a state of the electronic transaction and updating the transaction type and message parameters in response to processing of the electronic transaction, see (Wallach discloses the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lin's ideas of generating session identifier and Wallach's ideas of using the replicated database to provide failure connection recovery rules with Davies's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**Regarding to claims 53 and 54:**

Davies discloses a program product, which can be implemented in a computer hardware or software code for use in a processor that executes program steps recorded in a computer-readable media to perform a method for determining the outcome of an electronic transaction initiated by a network message between a network client and a network server, the program product comprising:

a program of computer-readable instructions executable by the processor to perform operations comprising: establishing a communications connection between the network client and the network server at an electronic transaction assurance (eTA) system: (Davies discloses "router" which is equivalent to "the eTA system" as an intermediary agent. A message from a client is sent to an active server through router: column 5, lines 30-35)

receiving a network message at the eTA system, which is responsible for the communications between the network client and the network server: (Davies discloses the message from client is only sent to the active server by the router: column 5, lines 29-32)

However, Davies does not explicitly disclose method for identifying a transaction type and message parameters included in the received network message, thereby defining an electronic transaction to which the message relates see (Wallach discloses the replicated data

Art Unit: 2143

based is used to reflect the recovery for failure of the primary server, and to change the network resource from its primary to its backup server. the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14; column 7, lines 1-49; figure 4)

Also Davies does not explicitly disclose a recordable media, ("the replicated database" which is equivalent to "recordable media": Wallach: column 2, lines 33-47)

More, Davies does not explicitly disclose generating a transaction identifier associated with each electronic transaction received from the client, see (Lin: "session ID" which is equivalent to "transaction identifier": figure 5, item 510) and storing the transaction identifier information with the transaction type and message parameters at a back end database, (Wallach discloses "the replicated data based" which is equivalent to "backup server" used to reflect the recovery for failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Moreover, Davies does not explicitly disclose preserving a state of the electronic transaction and updating the transaction type and message parameters in response to processing of the electronic transaction, (Wallach discloses the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lin's ideas of generating session identifier and Wallach's ideas of using the replicated database to provide failure connection recovery rules with Davies's

Art Unit: 2143

system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**15) Claim 41 rejected under 35 U.S.C 103(a) as being un-patentable over Davies-Wallach-Lin in view of Shkedi (U.S. 6,832,207)**

**Regarding to claim 41:**

Davies-Wallach-Lin discloses the invention substantially as disclosed in claim 37, but does not explicitly teach storing the transaction identifier comprises inserting information into the back end server database using an Internet cookie, see (Shkedi: column 4, lines 20-27)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Shkedi's ideas of storing information is cookie with Davies's system in order to be able to use the cookie as recognition message, see see (Shkedi: column 4, lines 20-27)

**16) Claims 43-45, 48-50 and 55-56 are rejected under 35 U.S.C 103(a) as being un-patentable over Phaal (U.S. 6,138,159) in view of Wallach et al. (U.S. 6,292,905) and further in view of Lin et al. (U.S. 2002/0073211)**

**Regarding to claims 43-45, 46, 50 and 56:**

Phaal discloses a method, which can be implemented in a computer hardware or software code for measuring the end-to-end response time of each electronic transaction message sent from a network client side to a network server side of a Web site, the method comprising:

establishing a communications connection between the network client and the Web site network server, see (Phaal: abstract, lines 1-11; column 4, lines 19-46)

receiving a network message from the network client, comprising a request for a Web site page such that the request identifies a transaction type and message parameters, thereby defining an electronic transaction to which the message relates: (Phaal: abstract, lines 1-21; column 4, lines 19-46)

adding code to the Web page served to the network client that records the time when a client request is sent, indicating the start of an electronic transaction, and when a response is received by the client, indicating the end of a transaction: (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

However, Phaal does not explicitly disclose generating a transaction identifier associated with each electronic transaction received from the client, see (Lin: "session ID" which is equivalent to "transaction identifier": figure 5, item 510) and storing the transaction identifier information with the transaction type and message parameters at a back end database, (Wallach discloses "the replicated data based" which is equivalent to "backup server" used to reflect the recovery for failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Also Phaal does not explicitly disclose preserving a state of the electronic transaction and updating the transaction type and message parameters in response to processing of the electronic transaction, see (Wallach discloses the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)



Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lin's ideas of generating session identifier and Wallach's ideas of using the replicated database to provide failure connection recovery rules with Davies's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**Regarding to claim 55:**

Phaal discloses a program product, which can be implemented in a computer hardware or software code for use in a processor that executes program steps recorded in a computer-readable media to perform a method for measuring the end-to-end response time of each electronic transaction message sent from a network client side to a network server side of a Web site, the program product comprising:

a recordable media: (Phaal discloses "floppy disk" which is equivalent to "recordable media": figure 1, item 27)

a program of computer-readable instructions executable by the processor to perform operations comprising: establishing a communications connection between the network client and the Web site network server: see (Phaal: abstract, lines 1-11)

receiving a network message from the network client, comprising a request for a Web site page such that the request identifies a transaction type and message parameters, thereby defining an electronic transaction to which the message relates: (Phaal: abstract, lines 1-21)

adding code to the Web page served to the network client that records the time when a client request is sent, indicating the start of an electronic transaction, and when a response is received by the client, indicating the end of a transaction: (Phaal discloses method for detecting

Art Unit: 2143

failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

However, Phaal does not explicitly disclose method for generating a transaction identifier associated with each electronic transaction received from the client see (Lin: "session ID" which is equivalent to "transaction identifier": figure 5, item 510) and storing the transaction identifier information with the transaction type and message parameters at a back end database, (Wallach discloses "the replicated data based" which is equivalent to "backup server" used to reflect the recovery for failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Also Phaal does not explicitly disclose method for preserving a state of the electronic transaction and updating the transaction type and message parameters in response to processing of the electronic transaction, see (Wallach discloses the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lin's ideas of generating session identifier and Wallach's ideas of using the replicated database to provide failure connection recovery rules with Davies's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**Regarding to claims 48-49:**

In addition to rejection in claim 43, Phaal-Wallach-Lin further discloses wherein the eTA system includes multiple eTA nodes, see (Wallach: figure 1, items 88A-88C)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wallach's ideas of using the replicated database to provide failure connection recovery rules with Phaal-Lin's system in order to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**17) Claim 46 is rejected under 35 U.S.C 103(a) as being un-patentable over Phaal-Wallach-Lin in view of Shkedi (U.S. 6,832,207)**

**Regarding to claim 46:**

Davies-Wallach-Lin discloses the invention substantially as disclosed in claim 37, but does not explicitly teach storing the transaction identifier comprises inserting information into the back end server database using an Internet cookie, see (Shkedi: column 4, lines 20-27)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Shkedi's ideas of storing information is cookie with Davies's system in order to be able to use the cookie as recognition message, see see (Shkedi: column 4, lines 20-27)

**18) Claims 51 and 52 are rejected under 35 U.S.C 103(a) as being un-patentable over Phaal (U.S. 6,138,159) in view of Davies et al. (U.S. 6,108,701) and further in view of Wallach et al. (U.S. 6,292,905)**

**Regarding to claims 51 and 52:**

Phaal discloses a program product, which can be implemented in a computer hardware or software code for use in a processor that executes program steps recorded in a computer-readable

Art Unit: 2143

media to perform a method of processing network messages between a network client and a network server, the program product comprising:

a recordable media: (Phaal discloses “floppy disk” which is equivalent to “a recordable media”: figure 1, item 27)

indicating a detected failure in a network back-end system or the network communications connection in response to inspection of the content of a received response from back-end system servers or the lack of a received response within a predetermined time period, see: (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

determining the correct outcome of the electronic transaction as affected by the detected failure and selecting an appropriate action to recover from the detected failure, see (Phaal discloses normally client computer directs communication to the assigned server, but if a failure condition of assigned server is detected, a new server is assigned to service the client computer: abstract, lines 11-20)

providing a response message to the network client with an appropriate message to mask the detected failure, see (Phaal discloses normally client computer directs communication to the assigned server, but if a failure condition of assigned server is detected, a new server is assigned to service the client computer: abstract, lines 11-20)

However, Phaal does not explicitly disclose establishing a communications connection between the network client and the network server at an electronic transaction assurance (eTA) system: (Davies discloses “router” which is equivalent to “the eTA system” as an intermediary agent. A message from a client is sent to an active server through router: column 5, lines 30-35)

receiving a network message at the eTA system, which is responsible for the communications between the network client and the network server: (Davies discloses the message from client is only sent to the active server by the router: column 5, lines 29-32)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Davies's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

However, Phaal- Davies does not explicitly disclose identifying a transaction type and message parameters included in the received network message, thereby defining an electronic transaction to which the message relates see (Wallach discloses the replicated data based is used to reflect the recovery for failure of the primary server, and to change the network resource from its primary to its backup server. the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14; column 7, lines 1-49; figure 4)

Also Phaal- Davies does not explicitly disclose preserving a state of the electronic transaction and updating the transaction type and message parameters in response to processing of the electronic transaction, see (Wallach discloses the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Moreover, Phaál- Davies does not explicitly disclose logging and reporting relevant information about the state and the message parameters of the electronic transaction, (Wallach discloses the replicated data based is updated to reflect the failure of the primary server, and to change the network resource from its primary to its backup server: abstract: lines 10-14)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wallach's ideas of using the replicated database to provide failure connection recovery rules with Phaál- Davies's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

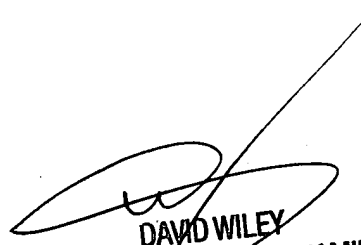
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong  
Examiner  
Art Unit 2143

Ldt  
03/14/2006



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

